

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2, 4, 5-7, and 9-11 are cancelled. Claims 1, 3, 8, and 12 remain in this application and, as amended herein, and are submitted for the Examiner's reconsideration.

In the Office Action, claims 1, 3, 8, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander (U.S. Patent No. 6,177,931) in view of Killian (U.S. Patent No. 7,163,31610). Applicant submits that the claims are patentably distinguishable over the relied on references.

As amended herein, claim 1 calls for:

a display controller operable to determine whether to display the program guide, a recommended program, or another program of the genre indicated by the stored genre information as an initial image in response to the power source being subsequently turned on, the determination being based solely on the content information and the genre information that were stored immediately before the receiver turns off the power source[.] (Emphasis added.)

Neither the relied on sections of Alexander nor the relied on sections of Killian disclose or suggest a determination of whether to display a program guide, a recommended program, or another program of a genre indicated by stored genre information as an initial image that is based solely on information that was stored immediately before turning off the power source, and neither the relied on sections of Alexander nor the relied on sections of Killian disclose or suggest such a determination that is based solely on content information and genre information that were stored immediately before turning off the power source.

Rather, the relied on sections of Alexander describe that when a viewer turns the television on, the television (i) automatically tunes to the EPG Grid Guide as a default mode,

(ii) automatically tunes to the last watched channel (i.e., the channel being watched when the viewer last turned off the television) if the viewer has overridden the EPG Grid Guide default mode and if the viewer has instructed the EPG to tune to such a channel, (iii) automatically tunes to the viewer's favorite channel if the viewer has overridden the EPG Grid Guide default mode and if the viewer has instructed the EPG to tune to such a channel, or (iv) automatically tunes to a particular channel if the viewer has overridden the EPG Grid Guide default mode and if the viewer has instructed the EPG to tune to that channel. (See col. 7 11.1-18.) That is to say, when the television is turned on, the television will (i) determine to automatically tune to the EPG Grid Guide regardless of any information that may be stored immediately before turning off the power source, (ii) determine to automatically tune to the last watched channel if the viewer has instructed the EPG accordingly and regardless of any information that may be stored immediately before turning off the power source, and (iii) determine to automatically tune to the viewer's favorite channel if the viewer has instructed the EPG accordingly and regardless of any information that may be stored immediately before turning off the power source. Thus, the determination of whether the television automatically tunes to the EPG Grid Guide, the last watched channel, or the viewer's favorite channel is not based solely on information stored immediately before turning off the television.

The relied on sections of Alexander also describe that when the television is turned on during a particular day of the week and time of day, the television may automatically tune to a channel that is frequently watched by that viewer during that day of the week and that time of day. (See col. 30 1.59 - col. 31 1.8.) To determine whether a channel is frequently watched during a particular day and time requires the collecting

of viewer statistics (see col. 30 ll.47-51), namely, data regarding the viewing habits of the viewer that is collected over a time interval rather than being collected only immediately before turning off the television. Hence, the determination of whether the television automatically tunes to a particular channel when the television is turned on is not based solely on information stored immediately before turning off the television.

Therefore, the relied on sections of Alexander do not disclose or suggest a determination (of whether to display a program guide, a recommended program, or another program of a genre indicated by stored genre information as an initial image) based solely on content information and genre information that were stored immediately before turning off a power source.

The relied on sections of Killian simply describe that in response to a viewer indication that a program change is appropriate, a particular channel is selected for viewing based on viewer-provided preference information. The relied on sections of Killian do not disclose or suggest a determination of whether to display a particular channel based solely on information that was stored immediately before turning off a power source. Hence, the relied on sections of Killian neither disclose nor suggest a determination (of whether to display a program guide, a recommended program, or another program of a genre indicated by stored genre information as an initial image) based solely on content information and genre information that were stored immediately before turning off a power source.

For at least the above reasons, it follows that neither the relied-on sections of Alexander nor the relied-on sections of Killian, whether taken alone or in combination, disclose or suggest the receiver defined in claim 1, and claim 1 is patentably distinct and unobvious over the relied-on references.

Independent claim 3 calls for features similar to those set out in the above excerpt of claim 1. Therefore, claim 3 is patentably distinct and unobvious over the relied-on sections of Alexander and Killian for at least the same reasons.

Claim 8 depends from claim 1, and claim 12 depends from claim 3. Therefore, claims 8 and 12 are each distinguishable over the relied-on references for at least the same reasons as its parent claim.

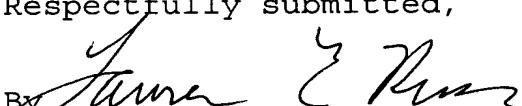
Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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